



UNITED STATES
NUCLEAR REGULATORY COMMISSION
REGION I
475 ALLENDALE ROAD
KING OF PRUSSIA, PENNSYLVANIA 19406-1415

August 9, 2010

Docket No. 03001317
EA-10-140

License No. 08-01738-02

COL Norvell V. Coots
Hospital Commander
Department of the Army
Walter Reed Army Medical Center
6900 Georgia Avenue, N.W.
Washington, DC 20307-5001

SUBJECT: NRC INSPECTION REPORT NO. 03001317/2010001, DEPARTMENT OF THE ARMY, WALTER REED ARMY MEDICAL CENTER, WASHINGTON, D.C.

Dear Colonel Coots:

This letter refers to the NRC inspection conducted on May 26, 2010, at Walter Reed Army Medical Center (WRAMC) in Washington, D.C. by Sandra Gabriel and Maryann Abogunde of this office. The inspection was limited to a review of the reported temporary loss of licensed material between May 1 and 3, 2010. Additional information provided by WRAMC on June 14, July 9, 13, 16, and 22, 2010 was also examined as part of the inspection. The findings of the inspection were discussed with Colonel John Gaal and other members of your staff by telephone at the conclusion of the inspection on August 5, 2010, and are described in the enclosed inspection report.

As discussed later in this letter, the results of this inspection and the apparent violations described below will be discussed at an open Predecisional Enforcement Conference (PEC) at the Region I Office on September 1, 2010, at 1:00 p.m. Directions to the Region I Office are enclosed.

Based on the results of this inspection, two apparent violations were identified: (1) WRAMC did not control access to two packages of radioactive materials between May 1 and 3, 2010, as required by 10 CFR 20.1802; and (2) WRAMC did not conduct operations so that the dose in an unrestricted area from external sources did not exceed 0.002 rem (2 millirem or 0.02 millisievert) in any one hour, as required by 10 CFR 20.1301(a)(2). The first violation is of particular concern because a violation of 10 CFR 20.1802 was identified in a previous inspection of your licensed activities and documented in a Notice of Violation with our letter dated May 22, 2009.

These apparent violations are being considered for escalated enforcement action in accordance with the NRC Enforcement Policy. The current Enforcement Policy is included on the NRC's Web site at <http://www.nrc.gov/about-nrc/regulatory/enforcement/enforce-pol.html>. Because the NRC has not made a final determination in this matter, a Notice of Violation is not being issued for these inspection findings at this time. In addition, please be advised that the number and characterization of apparent violations described in the enclosed inspection report may change as a result of further NRC review.

COL N. Coots

Before the NRC makes its enforcement decision, the NRC will discuss these apparent violations with you at a PEC at the NRC Region I Office. This conference will be open to public observation in accordance with Section V of the NRC Enforcement Policy and the NRC will issue a press release announcing the conference. The decision to hold a PEC does not mean that the NRC has determined that violations have occurred or that enforcement action will be taken. This conference is being held to obtain information to assist the NRC in making an enforcement decision, such as a common understanding of the facts, root causes, missed opportunities to identify the apparent violations sooner, corrective actions, significance of the issues, and the need for lasting and effective corrective action.

Recurrent and uncorrected violations are given additional weight in the consideration and selection of appropriate enforcement action. Therefore, you should be prepared to address the item identified as a potential recurrent violation and to discuss the corrective actions taken or planned to address each of the apparent violations. In addition, the conference is an opportunity for you to point out any errors in our inspection report and for you to provide any information concerning your perspectives on: 1) the severity of the apparent violations; 2) the application of the factors that the NRC considers when it determines the amount of a civil penalty that may be assessed in accordance with Section VI.B.2 of the Enforcement Policy; and 3) any other application of the Enforcement Policy to this case, including the exercise of discretion in accordance with Section VII. In presenting your corrective actions, you should be aware that the promptness and comprehensiveness of your actions will be considered in assessing any civil penalty for the apparent violations. The guidance in the enclosed excerpt from NRC Information Notice 96-28, "Suggested Guidance Relating to Development and Implementation of Corrective Action," may be helpful.

You will be advised by separate correspondence of the results of our deliberations on this matter. No response regarding the apparent violations is required at this time.

In accordance with 10 CFR 2.390 of the NRC's "Rules of Practice," a copy of this letter, its enclosures, and your response, if you choose to provide one, will be made available electronically for public inspection in the NRC Public Document Room or from the NRC document system (ADAMS), accessible from the NRC website at <http://www.nrc.gov/reading-rm/adams.html>.

COL N. Coots

Current NRC regulations are included on the NRC's website at www.nrc.gov; select **Nuclear Materials; Medical, Academic, and Industrial Uses of Nuclear Material**; then **Regulations, Guidance, and Communications**. The current Enforcement Policy is included on the NRC's website at www.nrc.gov; select **About NRC; How We Regulate; Enforcement**; then **Enforcement Policy**. You may also obtain these documents by contacting the Government Printing Office (GPO) toll-free at 1-866-512-1800. The GPO is open from 7:00 a.m. to 6:30 p.m. EST, Monday through Friday (except Federal holidays).

Please contact Marc Ferdas at 610-337-5022 if you have any questions about this matter.

Sincerely,

/RA/

John D. Kinneman, Director
Division of Nuclear Materials Safety

Enclosures:

1. Inspection Report No. 03001317/2010001
2. Excerpt from NRC Information Notice 96-28
3. Directions to the NRC Region I Office

cc:

MAJ Andrew Scott, Radiation Safety Officer
District of Columbia

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John D. Kinneman, Director
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MAJ Andrew Scott, Radiation Safety Officer
District of Columbia

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